

HPW

S/N 10/803,169

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	BACHINSKI ET AL.	Examiner:	UNKNOWN
Serial No.:	10/803,169	Group Art Unit:	3749
Filed:	MARCH 17, 2004	Docket No.:	14805.1US01
Title:	ELECTRIC GRILL		

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service, as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on June 17, 2005.

By:

Name: Kristine A. Wacek

PETITION TO CORRECT INVENTORSHIP UNDER 37 C.F.R. § 1.48(a)

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450



Dear Sir:

The inventors named in the above-identified patent application respectfully petition the Commissioner to allow correction of inventorship therein, due to an error in naming the correct inventors which occurred through an error and without deceptive intent. Thomas J. Bachinski; Douglas Mark Holm; Daniel Curtis Shimek; and Robert Samuel Waddell were named as inventors on the Combined Declaration and Power of Attorney filed on August 26, 2004. This petition is made to correct the inventorship to Thomas J. Bachinski; Douglas Mark Holm; Daniel Curtis Shimek; Robert Samuel Waddell; and Eric Paul Hawkinson. In accordance with 37 C.F.R. 1.48(a) the following are enclosed in support of this Petition.


1. A statement from Eric Paul Hawkinson as an inventor that the error in inventorship occurred without deceptive intent on his part;
2. An executed Combined Declaration and Power of Attorney signed by the inventor being added;
3. The written consent of the Assignee, along with a Certificate Under 37 C.F.R. § 3.73(b); and

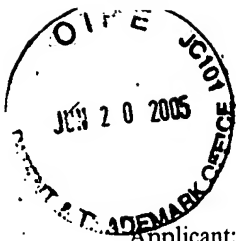
4. The requisite fee in the amount of \$130.00 as set forth in 37 C.F.R. 1.17(h).
Please charge any additional fees or credit any overpayment to Deposit Account No. 13-2725.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300

Date: 6/17/05


Matthew A. Doscotch
Reg. No. 48,957
MAD:PLSkaw



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: BACHINSKI ET AL. Examiner: UNKNOWN
Serial No.: 10/803,169 Group Art Unit: 3749
Filed: MARCH 17, 2004 Docket: 14805.1US01
Confirmation No.: 4145
Title: ELECTRIC GRILL

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on June 17, 2005.

By: 

Name: Kristine A. Wacek

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

23552

PATENT TRADEMARK OFFICE

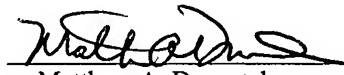
Sir:

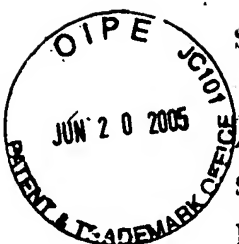
We are transmitting herewith the attached:

- ☒ Transmittal Sheet in duplicate containing Certificate of Mailing
- ☒ Petition to Correct Inventorship Under 37 C.F.R. § 1.48(a)
- ☒ Declaration by Inventor to be Added in Support of Petition to Correct Inventorship Under 37 C.F.R. § 1.48(a)
- ☒ Signed Combined Declaration and Power of Attorney
- ☒ Assent of Assignee to Correct Inventorship
- ☒ Certificate Under 37 C.F.R. § 3.73(b) and copy of Assignment being recorded
- ☒ Check(s) in the amount of \$130.00 for Petition Fee to Correct Inventorship
- ☒ Return postcard

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers or any future reply, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate of this sheet is enclosed.

Merchant & Gould P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903
612.332.5300

By: 
Name: Matthew A. Doscotch
Reg. No.: 48,957
MDoscotch:PLSkaw



S/N 10/803,169

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: BACHINSKI ET AL. Examiner: UNKNOWN
Serial No.: 10/803,169 Group Art Unit: 3749
Filed: MARCH 17, 2004 Docket No.: 12929.1146US01
Title: ELECTRIC GRILL

CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service, as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on June 17, 2005.

By:

Name: Kristine Alwacek

**DECLARATION BY INVENTOR TO BE ADDED IN SUPPORT OF PETITION TO
CORRECT INVENTORSHIP UNDER 37 C.F.R. § 1.48(a)**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

23552

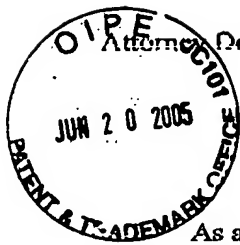
PATENT-TRADEMARK OFFICE

Dear Sir:

1. I declare that I have read the above-identified patent application.
2. I declare that I have read the Petition to Correct Inventorship Under 37 C.F.R. 1.48(a), and I concur with all of the statements made therein.
3. I further declare that the omission of myself, Eric Paul Hawkinson, as an inventor on the patent application was made in error and without deceptive intent.
4. I further declare that the correct inventorship for the invention currently being claimed in the patent application is as follows: Thomas J. Bachinski; Douglas Mark Holm; Daniel Curtis Shimek; Robert Samuel Waddell, and Eric Paul Hawkinson.
5. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further, that these statements are made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this patent.

Dated: 3-15-05


Eric Paul Hawkinson



Pocket No. 12929.1146US01

MERCHANT & GOULD P.C.

United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **ELECTRIC GRILL**.

The specification of which

- a. ☐ is attached hereto
b. ☒ was filed on March 17, 2004 as application serial no. 10/803,169 and was amended on (if applicable) (in the case of a PCT-filed application) described and claimed in international no. filed and as amended on (if any), which I have reviewed and for which I solicit a United States patent.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

- a. ☒ no such applications have been filed.
b. ☐ such applications have been filed as follows:

FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC § 119			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)
ALL FOREIGN APPLICATION(S), IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S)			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

U.S. PROVISIONAL APPLICATION NUMBER	DATE OF FILING (Day, Month, Year)

I acknowledge the duty to disclose information that is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (reprinted below):

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner proscribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim;

or

- (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and

(3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

(e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (h) of this section, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby appoint the attorney(s) and/or patent agent(s) associated with the following customer number to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith.

23552

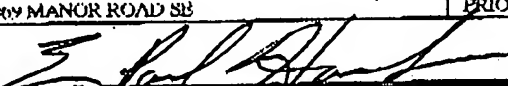
PATENT TRADEMARK OFFICE

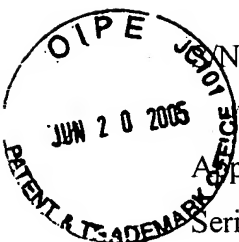
I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/ organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Merchant & Gould P.C. to the contrary.

I understand that the execution of this document, and the grant of a power of attorney, does not in itself establish an attorney-client relationship between the undersigned and the law firm Merchant & Gould P.C., or any of its attorneys.

Please direct all correspondence in this case to customer number 23552.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2	Full Name Of Inventor	Family Name HAWKINSON	First Given Name ERIC	Second Given Name PAUL
0	Residence & Citizenship	City PRIOR LAKE	State or Foreign Country MINNESOTA	Country of Citizenship USA
1	Mailing Address	Address 3409 MANOR ROAD SE	City PRIOR LAKE	State & Zip Code/Country MINNESOTA 55372/USA
Signature of Inventor 201: 			Date: 3-15-05	



10/803,169

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	BACHINSKI ET AL.	Examiner:	UNKNOWN
Serial No.:	10/803,169	Group Art Unit:	3749
Filed:	MARCH 17, 2004	Docket No.:	12929.1146US01
Title:	ELECTRIC GRILL		

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By:

Name:

Kristine A. Walek
Kristine A. Walek

ASSENT OF ASSIGNEE TO CORRECT INVENTORSHIP

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

23552

PATENT TRADEMARK OFFICE

Dear Sir:

Fire Stone Home Products, LLC, a corporation organized and existing under the laws of the State of Minnesota, having a place of business at 7900 International Drive, Suite 200, Bloomington, Minnesota 55425, represents that it is the assignee of rights in the above referenced patent application.

Fire Stone Home Products, LLC, hereby consents to the addition of Eric Paul Hawkinson as an inventor of the above-identified patent.

Attached hereto is a Certificate in accordance with 37 C.F.R. 3.73 establishing Fire Stone Home Products, LLC 's right to act.

For submissions on behalf of Fire Stone Home Products, LLC, the undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States

Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: _____

4/11/05

By: _____

Daniel C. Shimek
DANIEL C. SHIMEK

Title: _____

President



S/N 10/803,169

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	BACHINSKI ET AL.	Examiner:	UNKNOWN
Serial No.:	10/803,169	Group Art Unit:	3749
Filed:	MARCH 17, 2004	Docket No.:	12929.1146US01
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By: Kristine A. Wacek

Name: Kristine A. Wacek

CERTIFICATE UNDER 37 C.F.R. § 3.73(b)

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450



Dear Sir:

Fire Stone Home Products, LLC, a corporation organized and existing under the laws of the State of Minnesota, having a place of business at 7900 International Drive, Suite 200, Bloomington, Minnesota 55425, certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of either:

- A. ☒ An assignment from the inventor(s), of the patent application identified above. The assignment in being recorded in the Patent and Trademark Office concurrently herewith. A copy is attached.
- B. ☐ A chain of title from the inventor(s) of the patent application identified above to the current assignee as shown below:
1. From: To:
- The document was recorded in the Patent and Trademark Office at Reel , Frame(s) , or for which a copy thereof is attached.

2. From: To:

The document was recorded in the Patent and Trademark Office at Reel ,
Frame(s) , or for which a copy thereof is attached.

3. From: To:

The document was recorded in the Patent and Trademark Office at Reel ,
Frame(s) , or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.

The undersigned (whose title is supplied below) is empowered to act on behalf of the
assignee.

I hereby declare that all statements made herein of my own knowledge are true, and
that all statements made on information and belief are believed to be true; and further, that these
statements are made with the knowledge that willful false statements, and the like so made, are
punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States
Code, and that such willful false statements may jeopardize the validity of the application or any
patent issuing thereon.

Date: _____

4/11/05

By: _____

Name: _____

Title: _____

Daniel C. Shimet
DANIEL C. SHIMET
President

ASSIGNMENT

WHEREAS, we, Thomas J. Bachinski, residing at 19059 Orchard Trail, Lakeville, MN 55044, Douglas Mark Holm, residing at 2215 Monroe Street N.E., Minneapolis, MN 55418, Daniel Curtis Shimek, residing at 5260 West 132nd Street, Apple Valley, MN 55124, Robert Samuel Waddell, residing at 111 - 11th St NW, Faribault, MN 55021, and Eric Paul Hawkinson, residing at 5469 Manor Road SE, Prior Lake, Minnesota 55372/USA; made certain new and useful inventions and improvements for which we filed an application for Letters Patent of the United States on March 17, 2004, application Serial No. 10/803,169 which is entitled ELECTRIC GRILL.

AND WHEREAS, Fire Stone Home Products, LLC, a corporation organized and existing under and by virtue of the laws of the State of Minnesota (hereinafter "Assignee"), and having an office and place of business at 7900 International Drive, Suite 200, Bloomington, Minnesota 55425 (hereinafter "Assignee") is desirous of acquiring the entire right, title and interest in and to said inventions, improvements and application and in and to the Letters Patent to be obtained therefor;

NOW THEREFORE, to all whom it may concern, be it known that for and in consideration of the sum of One Dollar and other good and valuable considerations, the receipt and sufficiency whereof is hereby acknowledged, we have sold, assigned, and transferred, and by these presents do sell, assign and transfer unto said Assignee, its successors or assigns, the entire right, title and interest for all countries in and to all inventions and improvements disclosed in the aforesaid application, and in and to the application, all divisions, continuations, or renewals thereof, all Letters Patent which may be granted therefrom, and all reissues or extensions of such patents, and in and to any and all applications which have been or shall be filed in any foreign countries for Letters Patent on the inventions and improvements, including an assignment of all rights under the provisions of the International Convention, and all Letters Patent of foreign countries which may be granted therefrom; and we do hereby authorize and request the Commissioner of Patents and Trademarks to issue any and all United States Letters Patent for the aforesaid inventions and improvements to the Assignee as the assignee of the entire right, title and interest in and to the same, for the use of the Assignee, its successors and assigns.

AND, for the consideration aforesaid, we do hereby agree that we and our executors and legal representatives will make, execute and deliver any and all other instruments in writing including any and all further application papers, affidavits, assignments and other documents, and will communicate to said Assignee, its successors and representatives all facts known to us relating to said improvements and

the history thereof and will testify in all legal proceedings and generally do all things which may be necessary or desirable more effectually to secure to and vest in said Assignee, its successors or assigns the entire right, title and interest in and to the improvements, inventions, applications, Letters Patent, rights, titles, benefits, privileges and advantages hereby sold, assigned and conveyed, or intended so to be.

AND, furthermore we covenant and agree with said Assignee, its successors and assigns, that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been made to others by us and that full right to convey the same as herein expressed is possessed by us.

IN TESTIMONY WHEREOF, I have hereunto set my hand this 16th day of September, 2004.

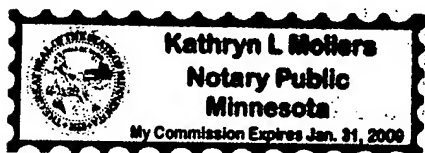
Thomas J. Bachinski
Thomas J. Bachinski

STATE OF MN)
) ss.
COUNTY OF Dakota)


On this 16th day of September, 2004, before me personally appeared Thomas J. Bachinski to me known and known to me to be the person described in and who executed the foregoing instrument, and he duly acknowledged to me that he executed the same for the uses and purposes therein set forth.

[SEAL]

Kathryn L. Mollers
Notary Public



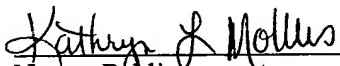
IN TESTIMONY WHEREOF, I have hereunto set my hand this 16 day of September, 2004.


Douglas Mark Holm

STATE OF MN)
) ss.
COUNTY OF Dakota)

On this 16th day of September, 2004, before me personally appeared Douglas Mark Holm to me known and known to me to be the person described in and who executed the foregoing instrument, and he duly acknowledged to me that he executed the same for the uses and purposes therein set forth.




Kathryn L. Mollers
Notary Public

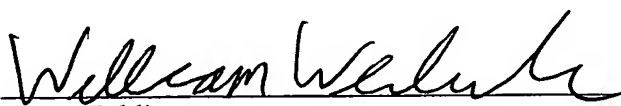
IN TESTIMONY WHEREOF, I have hereunto set my hand this _____ day of _____, 20____.


Daniel Curtis Shimek

STATE OF Minnesota)
) ss.
COUNTY OF Hennepin)

On this 24th day of November, 2004, before me personally appeared Daniel Curtis Shimek to me known and known to me to be the person described in and who executed the foregoing instrument, and he duly acknowledged to me that he executed the same for the uses and purposes therein set forth.

[SEAL]


Notary Public



IN TESTIMONY WHEREOF, I have hereunto set my hand this 17 day of September, 2004.

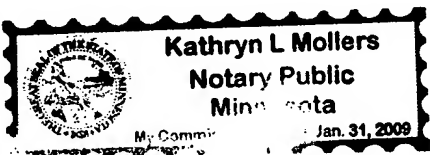
Robert S. Waddell

Robert Samuel Waddell

STATE OF MN)
) ss.
COUNTY OF Dakota)

On this 17th day of September, 2004, before me personally appeared Robert Samuel Waddell to me known and known to me to be the person described in and who executed the foregoing instrument, and he duly acknowledged to me that he executed the same for the uses and purposes therein set forth.

[SEAL]



Kathryn L. Mollers
Notary Public

IN TESTIMONY WHEREOF, I have hereunto set my hand this 17 day of Sept, 2004.

Eric Paul Hawkinson
Eric Paul Hawkinson

STATE OF MN)
) ss.
COUNTY OF Dakota)

On this 17th day of September, 2004, before me personally appeared Eric Paul Hawkinson to me known and known to me to be the person described in and who executed the foregoing instrument, and he duly acknowledged to me that he executed the same for the uses and purposes therein set forth.

[SEAL]



Kathryn L. Mollers
Notary Public

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